

§ 659.33 Oversight agency report to the Federal Transit Administration. The rule should provide a grace period for the oversight agency's implementation. It should be a minimum one (1) year after publication of the final rule. Under certain circumstances this may not be adequate time for a state's administrative rule (standard) revisions and adoption. Suggest a provision to allow the oversight agency an opportunity to request additional time for adoption if necessary.

§ 659.35 Conflict of interest.

Request that the rule define or clarify exactly what is considered a conflict of interest. There are a limited number of safety consultants in this industry. It is highly probable that a consultant could work in a Program Management Oversight role for FTA, work for the rail transit agency, or work for the SSO agency in some type of capacity. It may be necessary to specify what is considered "safety work" or "safety related work" so the oversight agency can conduct a review and avoid any real or potential conflicts.

The rule should identify the records required to be maintained and specify the required retention periods. This should be specified for both the rail transit system as well as the state oversight agency.